

**ROBERT L. CARTER  
UNITED STATES COURTHOUSE  
500 Pearl Street  
New York, NY 10007-1312  
Chambers (212) 805-0196  
Courtroom 20B (212) 805-0094**

---

**COMMUNICATIONS**

Counsel who wish to bring a matter to the attention of the court should write a letter to Judge Carter. **DO NOT CALL CHAMBERS**

**PAPERS**

1. Originals of all papers, with the exception of Pretrial Orders, should be filed in the Clerk's Office, 500 Pearl Street; courtesy copies should be furnished to chambers. Pretrial Orders should be submitted directly to chambers.
2. Requests for adjournments are not favored. If any adjournment is believed absolutely necessary, the request should be made, if possible, by stipulation. It should be noted that a stipulation signed by the parties is of no effect unless and until it is signed and so ordered by the court.
3. Before a stipulation is delivered to chambers, it should be taken to the Clerk's Office, 500 Pearl Street, to be approved as to form. The stipulation should be accompanied by a cover letter setting forth the reasons why the adjournment is believed necessary. If a stipulation is not feasible, requests for adjournment may be made by letter addressed to Judge Carter.
4. Counsel who wish to bring a matter to the attention of the court should write a letter to Judge Carter.

## **MOTIONS**

Returnable: Friday at 10 a.m.

Oral Argument: Upon request of the Court

Courtesy Copies to Chambers: Yes

1. Motions are taken on submission and oral argument is heard only in unusual circumstances. In the latter event, counsel will be notified by telephone. In the absence of such notification, counsel should not appear on the return date.
2. All criminal motions must be supported by memorandums of law or they will not be considered by the court.
3. All orders to show cause and preliminary injunctions are to be brought to the Clerk's Office Cashier Window, Room 120, to be approved and then to Judge Carter's chambers, Room 2220.

## **PRETRIAL & TRIAL RULES & PROCEDURES**

### **Discovery**

1. Discovery motions are **not favored**; discovery disputes should be resolved by letter. If a conference is believed necessary, that also may be requested by letter.
2. Pretrial conferences will be scheduled at which discovery deadlines will be established.

### **Orders and Judgments**

1. All orders to show cause and preliminary injunctions are to be brought to the Clerk's Office, Cashier Window, Room 120, to be approved and then to Chambers, Room 2220.

2. All stipulations, decisions, and other orders and judgments signed by the court are announced on a daily basis in the *New York Law Journal*. Copies of written opinions and typewritten endorsements will be sent to counsel by mail.
3. If a TRO is requested, counsel must insure that their adversaries are present for the signing of any order.

### **Marking and Listing Exhibits**

1. Prior to trial, counsel for each party in any case shall in advance of trial mark each exhibit proposed to be offered in evidence or otherwise tendered by any witness during trial.
2. Upon marking the exhibits, counsel shall also prepare a list of such exhibits, in sequence, with a descriptive notation sufficient to identify each separately numbered exhibit, and shall furnish copies of the list to opposing counsel and two copies to the Court at the commencement of trial.
3. At the end of trial, counsel should make sure they have all of their exhibits. The clerk is not responsible for them. If it is a non-jury case, counsel should submit their exhibits when they file their post trial briefs, which are to be geared to the testimony.

### **Additional Procedures in Jury Trials**

1. Sidebar conferences will be kept to a minimum. This court agrees with Standard 5.9 of the Standards suggested by the American Bar Association Advisory Committee on the Judge's Function (1972):

The trial judge should be alert to the distracting effect on the jury during the taking of evidence of frequent bench conferences between counsel and the judge out of the hearing of the jury, and should postpone the requested conference to the next recess except when an immediate conference appears necessary to avoid

prejudice.

2. In advance of each trial session, counsel for the party going forward at that session should show opposing counsel the exhibits he intends to introduce at the session. The opponent shall indicate those exhibits to which he has no objection, and the court will admit them when offered at the session. Those exhibits to which there is an objection shall be presented to the court for ruling before the opening of the session. If possible, the court will rule on the objection then, thereby eliminating the necessity for a sidebar conference when the exhibit is offered.

### **Courtroom Decorum**

When appearing in this Court, unless excused by the presiding judge, all counsel shall (including, where the context applies, all persons at counsel table):

1. Stand as Court is opened, recessed or adjourned.
2. Stand when addressing or being addressed by the Court.
3. Stand at the lectern while examining any witness; except that counsel may approach the Clerk's desk or the witness for purpose handling or tendering exhibits. Do not introduce yourself to adverse witnesses. Commence your cross-examination without preliminaries.
4. Stand at the lectern while making opening statements or closing arguments. Do not pace about the courtroom when questioning witnesses. It wastes time and distracts the jury.
5. Address all remarks to the Court, not to opposing counsel.
6. Avoid disparaging personal remarks or acrimony toward opposing counsel and remain wholly detached from any ill feeling between the litigants or witnesses.
7. Refer to all persons, including witnesses, other counsel and

parties by their surnames and not by their first or given names.

8. Only one attorney for each party shall examine, or cross-examine each witness. The attorney stating objections, if any, during direct examination, shall be the attorney recognized for cross-examination.

9. Counsel should request permission before approaching the bench; and any document counsel wishes to have the Court examine should be handed to the Clerk.

10. Any paper or exhibit not previously marked for identification should first be marked before it is tendered to a witness for his examination, and any exhibit offered in evidence should, at the time of such offer, be handed to opposing counsel.

11. If you intend to question a witness about a group of documents, avoid delay by having all the documents with you when you start examination.

12. In making objections counsel should state only the legal grounds for the objection and should withhold all further comment or argument unless elaboration is requested by the Court.

13. In examining a witness counsel shall not repeat or echo the answer given by the witness.

14. Offers of, or requests for, a stipulation should be made privately, not within the hearing of the jury.

15. In opening statements and in argument to the jury, counsel shall not express personal knowledge or opinion concerning any matter in issue; shall not read or purport to read from deposition or trial transcripts, and shall not suggest to the jury, directly or indirectly, that it may or should request transcripts or the reading of any testimony by the reporter.

16. Counsel shall admonish all persons at counsel table that gestures, facial expressions, audible comments, or the like, as manifestations of approval or disapproval during the testimony of witnesses, or at any other time, are absolutely prohibited.

### **PRE-TRIAL MATTERS**

A. The parties shall submit to the court a **JOINT PRE-TRIAL ORDER** containing the following:

1. The basis of the court's jurisdiction.
2. A concise statement of the nature of the action.
3. A brief, general statement of each party's case or contentions.
4. A list of all exhibits to be offered at trial, with notation of all objections thereto, All such exhibits shall be pre-marked, with plaintiffs using numbers and defendants using letters.
5. A list of all witnesses who may be called at trial and all witnesses who will be called at trial.
6. A list of depositions to be used at trial for purposes other than potential impeachment, with indication of specific pages and lines proposed to be published to the trier of facts, and in non-jury cases, a summary of the submitted depositions.
7. A concise statement of those facts which are admitted and will require no proof at trial, together with any reservations directed to such admissions.
8. A concise statement of those issues of law on which there is agreement.
9. A concise statement of those issues of fact which remain to be

litigated.

10. A concise statement of those issues of law which remain for determination by the court.

11. A concise statement of any disagreement as to the application of the Federal Rules of Civil Procedure or the Federal Rules of Evidence.

12. A list of all motions or other matters that require action by the court.

13. Each side's estimate of the expected length of trial.

14. The signatures of counsel for all parties.

B. Each party shall submit to the court and to opposing counsel a **TRIAL BRIEF**, with citations of authorities and arguments in support of its position on all disputed issues of law.

C. Within one week after submission of the pre-trial order, counsel for each party in any jury trial shall submit to the court, with a copy to opposing counsel, written **REQUESTS FOR INSTRUCTIONS TO THE JURY**. Supplemental requests for instructions may be submitted at any time up to the day before arguments to the jury.

All requests for instructions shall be plainly marked with the name and number of the case; shall identify the party making the requests; shall contain citations of supporting authority, if any; and, in the case of multiple requests made by a party, shall be numbered in sequence.

D. Within one week after submissions of the pre-trial order, counsel for each party in any non-jury case shall submit to the court, with a copy to opposing counsel, **PROPOSED WRITTEN FINDINGS OF FACT AND CONCLUSIONS OF LAW**.

E. The court may call a **PRE-TRIAL CONFERENCE** prior to these submissions to assist in the process of narrowing the focus of the trial.

Each party shall be represented at all such pre-trial conferences by an attorney who will participate in the trial of the case and who is vested with full authority to make admissions and disclosures of facts and to bind his clients by agreements with respect to all matters pertaining to the case.